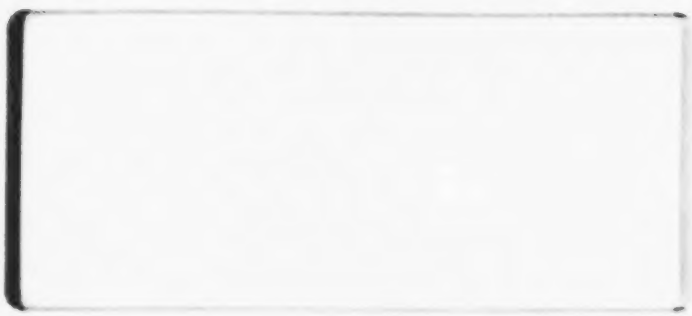

Environment Canada Environnement Canada

Environnement et Sécurité et Hygiène du travail Manitoba

Manitoba Environment and Workplace Safety and Health

MG-13339

GUIDE TO FEDERAL AND PROVINCIAL POLLUTION CONTROL LEGISLATION IN MANITOBA

GUIDE TO
FEDERAL AND PROVINCIAL
POLLUTION CONTROL LEGISLATION
IN
MANITOBA

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MARCH 1986

FOREWORD

This guide to pollution control legislation in Manitoba is intended to provide the reader with an overview of legislation administered by Manitoba Environment and Workplace Safety and Health, and the Environmental Protection Service of Environment Canada. It also includes some environmentally related legislation which is administered by other federal and provincial departments where Manitoba Environment or the Environmental Protection Service have a role in advising these departments in the development or administration of their regulations.

Legislation dealing with resource conservation and protection is not included, since it was felt to be beyond the intent of this report. Information on legislation such as the Provincial Parks Act, Manitoba Wildlife Act, National Parks Act, Canada Wildlife Act, Migratory Birds Convention Act and others should be obtained from the appropriate agency.

The City of Winnipeg Act passed by the Province of Manitoba has special provisions that apply to environmental and other matters within the City. Industrial wastewater discharges and other wastewater flows to sewers and water bodies within the City's zone are controlled by Winnipeg's Waterworks, Waste and Disposal Department, subject to the provisions of the Clean Environment Act. Other provisions related to waste disposal, pollution control and environmental assessment and review also apply. More detailed information should be obtained from Manitoba Environment and Workplace Safety and Health or the City of Winnipeg Waterworks, Waste and Disposal Department.

This report is intended to serve only as a guide to pollution control legislation in Manitoba, and therefore should not be considered as a legal document. Anyone wishing specific interpretations or other information on the legislation appearing in this document should consult the specific statute or the administering agency.

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INTRODUCTION*

The British North America (BNA) Act of 1867 unified individual political communities as the Confederation of Canada. The BNA Act apportioned legislative jurisdiction between the federal and provincial governments. Generally, matters considered to be of national scope at the time of Confederation, such as navigation, shipping and fisheries (sea coast and inland) were assigned to the federal government, and matters of a local or private nature were assigned to the provincial government.

Jurisdiction over environmental matters is not specifically mentioned in the BNA Act and, as a result, many environmental problems can fall within both federal and provincial jurisdiction. As a rule, where overlapping jurisdictions exist, both levels of government can deal with the matter. This may mean that, in some cases, overlapping standards are developed, whereupon the more stringent standards would apply. The federal government may also, in some circumstances, delegate administrative authority to an agency of the provincial government and vice versa. The administering agency does not have the power to pass regulations but is responsible for the direct enforcement of existing regulations.

If environmental protection is to be effective, cooperation between the federal and provincial governments is essential. This cooperation has been achieved in large part through the development of accords between the federal Department of the Environment and most of the provincial Departments of the Environment. The intent of the accords is to ensure that all areas of environmental concern are addressed with a minimum of overlap and duplication, and to promote consultation and cooperation on environmental matters. The accords allow for the development of subsidiary agreements to deal with particular environmental concerns of mutual interest.

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* Extracted in part from a paper by Doreen Henley, Senior Policy Advisor, Environment Canada, titled "Issues Related to the Implementation and Enforcement of Canadian Environmental Legislation and Regulation", March, 1984.

CANADA-MANITOBA ACCORD

The Government of Canada and the Province of Manitoba signed a five year agreement in 1975 entitled the "Canada-Manitoba Accord for the Protection and Enhancement of Environmental Quality". The Accord recognized the mutual interest of the federal and provincial governments in environmental matters and set up an agreement to ensure a coordinated, consolidated approach to environmental protection in Manitoba. In addition to resolving jurisdictional problems related to environmental concerns, the Accord established a Federal/Provincial Liaison Committee which meets bi-weekly to address and resolve site specific issues where both agencies have legitimate interests. The Accord, which originally was to expire in 1980, has been extended until a revised version is negotiated. Negotiations are currently underway to renew the Canada/Manitoba Accord.

Highlights of the Accord include:

1) AMBIENT ENVIRONMENT QUALITY CRITERIA AND OBJECTIVES
   Agreement to establish ambient quality criteria and objectives for air, land and water on a national basis, and in geographical areas of joint interest.

2) NATIONAL BASELINE POLLUTION CONTROL REQUIREMENTS AND GUIDELINES FOR INDUSTRY
   Agreement to develop baseline effluent and emission requirements/guidelines for specific industries/pollutants.

3) ENVIRONMENTAL EFFECTS
   Agreement to consult, inform and exchange data on the possible environmental effects of proposed developments.

4) POLLUTION CONTROL IMPLEMENTATION
   (a) Canada and Manitoba will undertake environmental programs to ensure agreed federal and provincial requirements and objectives are met;

   (b) Both will consult each other prior to authorizing any activity which may affect those aspects of the environment/environmental health in one another's jurisdiction;

   (c) Manitoba will consider establishing and enforcing requirements which are at least as stringent as those set by the federal government;

(d) Canada and Manitoba will appoint enforcement officers to ensure compliance with national requirements;

(e) Canada will take enforcement action in specific situations

5) MONITORING AND SURVEILLANCE

(a) Canada and Manitoba will cooperate in the monitoring of the quality of air, water, and land;

(b) Manitoba will carry out surveillance of the influence of emissions/contaminants on ambient quality; and

(c) Efforts will be made to standardize monitoring, surveillance and analytical methods between Canada, Manitoba and other provinces.

6) SPECIAL AGREEMENTS FOR ACCELERATED ACTIONS

Special agreements will be entered into between Canada, Manitoba and other provinces to expedite specific action concerning common environmental issues.

7) CONTINGENCY PLANS

Canada and Manitoba will develop and implement integrated contingency plans to provide quick response to environmental emergencies.

8) RESEARCH, TECHNICAL ADVICE AND TRAINING

(a) Canada, Manitoba and/or other agencies will co-operate on research and pollution control technology;

(b) Canada and Manitoba will share technical advice and expertise; and

(c) Canada will assist with technical training.

9) COST-SHARING

(a) Joint Canada/Manitoba programs will consider equal cost sharing; and

(b) The lead, audit, and support roles of joint programs will be outlined by specific agreements.

SECTION I

PROVINCE OF MANITOBA STATUTES

INTRODUCTION

The provincial legislatures have areas of legislative jurisdiction which accord them an equal, if not greater, power than that possessed by the federal government. The B.N.A. Act granted the provinces exclusive powers over such things as direct taxation within the province and the power to spend revenues for provincial purposes; property and civil rights in the province; ownership and control of the majority of public lands in the province; the regulation of local works and undertakings which includes the majority of manufacturing and mining activity; ownership of natural resources; and matters of a local and private nature. Because the provinces have more direct power over environmental protection, much of the federal Department of Environment activity in the environmental field has been directed towards establishing national standards for adoption and enforcement by the provinces; providing scientific and statistical data as a basis for cooperative action; encouraging uniform, national practices of resource management; and engaging in federal-provincial cost shared programs.

This section outlines provincial legislation and regulations relating to the protection and enhancement of the environment. A section stating the general intent of the legislation, the geographic area where the statute is applicable, and the Minister responsible for carrying out the provisions of the Act introduces each statute. Following this is a description of the authorities granted to the Minister responsible for the Act as well as regulations that fall under the Act pertaining to the environment.

The Workplace Safety and Health Act has been included in Manitoba's section because it falls under the responsibility of the Minister of Environment and Workplace Safety and Health.

Further information on any of these Acts or Regulations, or copies of the legislation may be obtained by contacting:

Manitoba Environment and Workplace Safety and Health,
Community Relations Branch,
960 - 330 St. Mary Avenue,
Winnipeg, Manitoba
R3C 3Z5
Or Telephone: 945-5763

CLEAN ENVIRONMENT ACT

AN ACT RELATING TO ENVIRONMENTAL QUALITY AND CONTROL

APPLICATION: Manitoba

ADMINISTRATION: Minister of Environment and Workplace Safety and Health

AUTHORITIES:

1. Prohibits the contamination of air, water and soil in excess of prescribed limits.

2. Establishes the Clean Environment Commission.

3. Allows the Clean Environment Commission to prescribe limits for the release of contaminants into the environment.

4. May restrict or limit the number of industries, undertakings, plants or processes that may be permitted to operate in any part of the Province.

5. Requires the filing of a proposal prior to constructing, altering or setting into operation any industry, undertaking, plant or process that will or may result in the discharge or emission of any contaminant into the atmosphere, soil or water.

6. Requires a person who is operating an industry, undertaking, plant or process that is contaminating the environment to register that industry, undertaking, plant or process with the department.

7. May order a person who is contaminating or has contaminated the environment to clean the area affected.

8. May require immediate action to be taken to abate or control the discharge, deposit or emission of any contaminant in an emergency situation.

9. May order an industry, undertaking, plant or process not to begin or to cease operation where the Minister is of the opinion that the industry, undertaking, plant or process may have a demonstrable effect on the environment.

10. Allows for proposals for abatement projects.

11. May appoint environment officers; outlines the powers of environment officers.

12. Has the authority to order closure of a premise or stoppage of an operation where the operation of an industry undertaking, plant or operation is contaminating the environment or is in contravention of this Act.

13. Allows for the Minister, where he believes there exists a situation that may constitute a danger to health, to take necessary action to reduce or minimize the threat to the public.

14. The Minister may designate certain areas as sensitive or critical areas and prescribe standards or controls respecting environmental matters in those areas.

REGULATIONS:

1. Livestock Production Operations (34/73) - requires waste from livestock production operations to be disposed in accordance with the prescribed manner; construction of structure for livestock waste.

2. Incinerators (334/74) - requires registration of incinerators; prohibits the operation of incinerators except within prescribed discharge limits (regulation slated for review).

3. Liquid Effluent Discharges From Pulp and Paper Mills (120/75) - waives requirement to file a proposal or registration respecting liquid effluent discharges from the mill.

4. Disposal of Whey (18/76) - exempts persons discharging or disposing of whey from Subsection 14(1) and 14(4) of the Clean Environment Act.

5. Waste Disposal Grounds (208/76) - requires each municipality, provincial government agency and crown corporation to make provision for the disposal of solid waste, liquid waste and bulky metallic waste operational requirements of Class I, II and III waste disposal grounds.

6. Secondary Lead Smelters (140/77) - exempts persons operating or intending to operate a secondary lead smelter from filing a proposal or registering pursuant to Subsection 14(1) and 14(4) of the Clean Environment Act.

7. Campgrounds (112/80) - requires the operator of a campground to: provide garbage containers; remove all garbage from the campground at least once a week; provide toilet facilities; and provide a supply of potable water.

8. Gasoline and Associated Products (156/80) - requires registration of all storage tank systems, sets design and construction standards, sets test requirements, sets handling/transfer standards. Requires regular record keeping and problem reporting.

9. Amy Street Heating Plant (165/80) - sets limits on emissions into the atmosphere by the Amy Street Heating Plant.

10. Hazardous Materials Designation (15/81) - designates the following substances or any mixture or solution containing these as hazardous materials:
    Ammonium Nitrate
    Hydrochloric Acid
    Nitric Acid
    Polychlorinated Biphenyl
    Sulfuric Acid

11. Private Sewage Disposal Systems (85/81) - regulation relating to the use, installation and minimum standards or requirements for private sewage disposal systems.

12. Litter (124/84) - prohibits the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property, or upon or into any body of water.

13. Pesticides (98/85) requires any person using pesticides to follow the requirements set out in the Pest Control Products Act of Canada, the Pesticides and Fertilizers Control Act of Manitoba and the latest edition of the Guide to Chemical Weed Control and the Manitoba Insect Control Guide; requires a pesticide use permit for application of pesticides.

DANGEROUS GOODS HANDLING AND TRANSPORTATION ACT

AN ACT TO CONTROL ALL ASPECTS OF DANGEROUS GOODS AFFECTING THE ENVIRONMENT AND/OR PUBLIC HEALTH WITH AN EMPHASIS ON STANDARDS FOR HANDLING DANGEROUS GOODS, DISPOSAL OF HAZARDOUS WASTES, ENVIRONMENTAL ACCIDENT RESPONSE, AND HIGHWAY TRANSPORTATION INCLUDING SAFETY MARKINGS, PLACARDING, PACKAGING AND WAYBILLS.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Environment and Workplace Safety and Health

AUTHORITIES:

1. Prohibits the handling or disposal of dangerous goods except in compliance with this Act.

2. Requires: a licence to handle and transport hazardous wastes; a licence to operate a hazardous waste disposal facility; and requires that hazardous wastes be disposed of at a licenced facility.

3. Requires registration prior to generating and storing hazardous wastes.

4. Requires a manifest for the transport of hazardous wastes.

5. Requires the reporting of environmental accidents by the person involved in the accident or the person having custody and control of the waste.

6. Allows for the appointment of persons as agents of the government to carry out instructions of the environment officer in the event of an environmental accident.

7. Allows for the Minister to order an inquiry to be held where there has been an accident or incident involving a discharge or emission of dangerous goods.

8. Requires the use of shipping documents and proper packaging for the transportation of dangerous goods.

9. Prohibits the transportation of dangerous goods unless all safety requirements, safety standards and safety marks have been complied with.

10. May require any person who handles dangerous goods to have satisfactory insurance.

REGULATIONS

Regulation MR 117/85 - outlines the criteria and list for identifying dangerous goods and hazardous waste.

Regulation 172/85 - adopts Transport Canada Transportation of Dangerous Goods Regulations.

FISHERMAN'S ASSISTANCE AND POLLUTER'S LIABILITY ACT

AN ACT TO PROVIDE COMPENSATION TO FISHERMEN WHOSE LIVELIHOOD IS AFFECTED BY FISHING CLOSURES RESULTING FROM FISH CONTAMINATION CAUSED BY WATER POLLUTION.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Natural Resources

AUTHORITIES:

1. The Minister may make payments to any person now or formerly employed in any capacity in the commercial fishing industry who has suffered financial losses resulting from the prohibition of fishing in the Province because of the contamination of fish resulting from pollution of those waters.

2. The government is authorized to receive an assignment of fishermens' right to sue in respect of such pollution and it may then sue as assignee in its own name to recover damages.

3. May enter into agreements with the Government of Canada to share in payments made to fishermen who have suffered financial losses due to contamination of fish resulting from pollution.

MANITOBA WATER SERVICES BOARD ACT

AN ACT TO ESTABLISH THE MANITOBA WATER SERVICES BOARD.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Agriculture

AUTHORITIES:

1. Establishes the Manitoba Water Services Board.

2. Outlines the objectives of the Board to, which are to:

   a) Obtain, develop, transmit, distribute and control water supplies for domestic use of the public.

   b) Collect, treat and dispose of sewage.

3. Outlines the powers of the Board, which are to:

   a) Make investigations and surveys of all matters relating to the supply and distribution of potable water and the collection and disposal of sewage.

   b) Purchase or acquire supplies of potable water from the Government of Canada, the Government of Manitoba, a municipality, water district, etc.

   c) Construct, purchase or acquire plants and works for obtaining, collecting, storing, pumping, transmitting, distributing and measuring water.

   d) Sell, give or barter water to a municipality or a water district.

   e) Expropriate land for the purposes of the Board.

   f) Enter land, survey and acquire any parts of land for the purposes and requirements of the Board; erect structures, undertake development; and divert and/or appropriate any stream, spring or body of water as the Board may require.

   g) Construct, erect and maintain works and equipment required to convey water or for any of the Board's undertakings.

h) Temporarily enter, take possession of and use any property, erect or place any works, flood or overflow any land, and accumulate or store water for the purposes of the Board.

i) Acquire any property (by purchase, lease, licence or otherwise) required by the Board for a right-of-way, for flooding the land, or storage of water and use the property in a manner the Board deems proper.

j) Contract with any province or the federal government for the use of any right-of-way, property or for the erection of works.

k) Enter into agreements with municipalities or water districts for:
   i) the inter-connection or inter-communication of works of the Board and works of a municipality or water system;
   ii) joint construction or operation of a water transmission system; or
   iii) the joint development or use of a source of supply of water.

l) Construct, purchase or acquire works for the collecting, treating, transmitting and disposal of sewage and to enter into agreements with a municipality or water district for the sale, lease or transfer of works to the municipality or water district.

4. The Board has the power to use streets, highways and public places for the construction, maintenance and operation of aqueducts, mains, canals, and pipelines of the Board and for any equipment used.

5. The Board is not compelled to provide water or sewage services to any municipalities or water supply districts.

6. Where the Board has agreed to provide water or sewage services, the Board shall retain absolute discretion as to the manner in which the water or sewage service is provided as well as the design criteria used in providing the water or sewage service.

7. The Lieutenant Governor in Council may declare an area to which the Board must provide water or sewage services.

8. The Board may sell the excess water obtained from a source to a municipality or water district.

9. The Board is allowed to fix rates or prices at which it will provide water or sewage services.

10. A municipality or water district may enter into an agreement with the Board for providing water or sewage services.

11. Establishes a sinking fund to be used for the stabilization of rates and for the meeting of contingencies.

12. Provides for, in an emergency situation, (due to damage, destruction, failure or breakdown of any works of the Board, wastage of water, drought, etc.) the Lieutenant Governor in Council to declare a state of emergency in respect of water supply, allowing the Board to:

    a) allocate and distribute water; and

    b) regulate, restrict, prohibit and control the transmission, distribution, supply, sale and use of water.

THE MINES ACT

AN ACT RESPECTING THE MINING INDUSTRY IN MANITOBA.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Energy and Mines

AUTHORITIES:

Section VI of the Quarrying Minerals Regulation (226/76) under the Mines Act provides for the Department of Energy and Mines to regulate mine rehabilitation.

A) The regulation applies to all quarry minerals except peat whether owned by the Crown or otherwise.
(Quarry means a mine which is an open excavation from which a quarry mineral is removed).

B) Requires every owner of a commercial quarry to rehabilitate the quarry.

C) Requires the submission of a rehabilitation plan (and update of that plan every three years) to the Department.

The Rehabilitation Plan consists of the following:

1) Information that must be included:
   - (i) name and address of the owner,
   - (ii) name and address of the person supervising the operation of the quarry;
   - (iii) plan showing location and outline of the quarry; and
   - (iv) the mineral produced.

(2) Plan must provide details of:
   - (i) property boundaries;
   - (ii) excavation for the three year term showing:
     - (a) total anticipated acreage of excavation
     - (b) annual rate of excavation, and
     - (c) anticipated annual quarry outline;
   - (iii) known depth, shape and extent of deposit;
   - (iv) depth, character and distribution of the overburden;
   - (v) topographic elevations and elevation of local water table;
   - (vi) description, including capacity, of any plant in the area;

(vii) forested area and proposed method of timber disposal;
(viii) description of equipment used in quarrying;
(ix) location of surface streams or standing water to be used in the washing process;
(x) location of settling ponds;
(xi) quantity and location and method of disposal for effluent liquids; and
(xii) location of tree screens.

(3) Rehabilitation to comprise of:
(i) removal of vegetative cover and overburden in advance of the working face, at a minimum distance of twice the height of the working face;
(ii) upon depletion, the slope of the quarry walls must be no steeper than 35 degrees;
(iii) the distribution of overburden over the surface of the sloped quarry walls and quarry floor,
(iv) planting of vegetation appropriate to the environment of the quarry on the surfaces covered by overburden;
(v) the contouring of quarry walls standing below water level to minimize danger to the public; and
(vi) disposing of all debris, refuse, scrap or inflammable liquids in an approved manner.

D) Prohibits the owner of a commercial quarry from removing or stockpiling overburden, trees or quarry minerals in an area within 50 feet of an adjacent property.

MINING AND METALLURGY COMPENSATION ACT

AN ACT TO PROVIDE COMPENSATION FOR DAMAGE CAUSED BY MINING, MILLING, SMELTING AND REFINING OPERATIONS.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Energy and Mines

AUTHORITIES:

1. Establishes mining, milling, smelting and refining districts in the province.

2. Relinquishes liability for any person who constructs or operates a plant in any such district for damage caused by emission of air or water contaminants released in the course of plant operation.

3. Establishes an arbitration procedure whereby affected persons may be compensated for damage caused by the operation of such plants.

PESTICIDE AND FERTILIZER CONTROL ACT

AN ACT RELATING TO THE CONTROL, HANDLING, SALE AND USE OF PESTICIDES AND FERTILIZERS IN MANITOBA.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Agriculture

AUTHORITIES:

1. Prohibits any person from supplying, selling, distributing, or keeping for sale or distribution any pesticides or fertilizers without a licence.

2. Requires any commercial applicator (person whose application equipment is used for hire or for service to others for a fee) to obtain a licence for that purpose.

3. Minister may appoint inspectors whose functions include:

   a) Examine and seize books, records, etc. concerning the sale, supply, distribution or use of pesticides or herbicides.

   b) Inspect and analyse plants, plant products, livestock, and livestock products or any other material to determine whether or not they are contaminated with pesticides or fertilizers.

4. Where any plant or plant product, livestock or livestock product is found to be contaminated, the Minister may cause the destruction of that plant or plant product, livestock or livestock product.

5. The Minister may authorize officers and inspectors of Agriculture Canada to be ex officio inspectors under this Act with all the powers of an inspector.

6. The Lieutenant Governor-in-Council may ban or prohibit the use of any pesticide or fertilizer in Manitoba.

7. The Minister may appoint a Pesticide and Fertilizer Advisory Committee.

PUBLIC HEALTH ACT

AN ACT RELATING TO THE PRESERVATION OF LIFE AND HEALTH OF THE PEOPLE OF THE PROVINCE.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Health/Minister of Environment and Workplace Safety and Health

AUTHORITIES:

1. Allows for the establishment of the Board of Health.

2. Requires the appointment of Medical Officers of Health whose powers are to: enter any place or premise and inspect, take samples, order an insanitary condition to be abated, order any premises that are or constitute an insanitary condition to be vacated.

3. Allows for the appointment of Public Health Inspectors whose powers are to: enter any place or premise and inspect, take samples.

4. Allows the Lieutenant-Governor in Council to make regulations and orders respecting such things as the construction, operation and maintenance of sewage systems, treatment plants and water systems, prevention of pollution of water sources, prevention and removal of unsanitary conditions.

REGULATIONS

1. Atmospheric Pollution - prohibits the discharge into the atmosphere of any air contaminant that is greater than the standards set out by the Ringelmann Smoke Chart.

2. Collection and Disposal of Wastes - provides for the establishment of waste disposal grounds.

3. Protection of Water Sources - prohibits the fouling or contamination of ice or water or any such body of water. Prohibits any act that will or may contaminate any underground water supply.

4. Waterworks, Sewerage and Sewage Disposal - requires the submission of plans prior to construction of a waterworks system, sewerage system; and outlines the responsibilities of municipal councils with respect to sewage disposal.

WORKPLACE SAFETY AND HEALTH ACT

AN ACT RELATING TO THE PROVISION OF A CLEAN, SAFE AND HEALTHY WORKPLACE ENVIRONMENT.

APPLICATION: Manitoba

ADMINISTRATION: Minister of Environment and Workplace Safety and Health.

AUTHORITIES:

1. Requires every employer to ensure the safety, health and welfare of all workers.

2. Requires the appointment of a Chief Occupational Medical Officer.

3. May enter into an agreement with any province authorizing a person employed by that province to act as a Safety and Health Officer.

4. Safety and Health Officers may issue improvement orders and stop work orders.

5. Allows for the designation of Workplace Safety and Health representatives.

6. Gives a worker the right to refuse to perform work where he believes that the work is dangerous to safety and health.

REGULATIONS:

1. Workplace Safety and Health Committees (158/77) - relates to the composition and functioning of Workplace Safety and Health Committees and representatives. Code of Practice for Workplace Safety and Health Committees provides the practical guidance for the organization functioning and procedures of committees.

2. Protection Against Injury (204/77) - relates to the proper protection against injury of workers in workplaces; and the protection of other persons from risks to their safety and health - basic accident prevention regulation.

3. Derricks and Cranes (205/77) - relates to the operation and use of hoisting equipment, derricks and cranes; and design and inspection requirements.

4. Spray Painting (206/77) - relates to spray painting in workplaces; requires spray painting operations in workplaces to be performed in spray booths.

5. First Aid Requirements (207/77) - relates to certain specific and general requirements for first aid supplies and services in specified workplaces.

6. Lead or Benzol (208/77) - relates to the protection of persons engaged in any industrial process particularly processes involving the use or manufacture of lead or benzol.

7. Fibrosis and Silicosis (209/77) - relates to workers employed in certain industries in which Fibrosis (including Silicosis) may be contracted.

8. Sanitary and Hygienic Welfare (210/77) - relates to sanitary and hygienic welfare requirements in the workplace, including such things as illumination, ventilation, structural and toilet facility requirements.

9. Forestry, Logging and Log Hauling Industry (210/82) - relates to safety requirements in these industries including: handling and operation of a chain saw; tree felling; loading and unloading of logs; transport and hauling; and logging equipment.

10. Construction Industry (86/84) - relates to safety requirements in the construction industry.

11. Working Alone (173/84) - relates to the safety of those persons who work alone. Code of practice provides the practical guidance for the Working Alone regulation.

12. Code of Practice - Protective Clothing for Fire Fighters - provides the practical guidance to assist in the process of protecting fire fighters from injury.

WORKPLACE SAFETY AND HEALTH LEGISLATION

- Legislation regarding Workplace Safety and Health, enacted by the Province, does not apply to:

    1) Federally Regulated Industries*

    2) Federal Public Service

    3) Canadian Armed Forces

    4) Federal Crown Property

    5) Federal Departments or Crown Corporations on provincially leased land.

* - Labour Canada is responsible for regulating industries in the following sectors:

    Highway Transport

    Telephone, Telegraph and Cable Systems

    Pipelines

    Canals

    Shipping and Shipping Services

    Air Transportation

    Railways

    Radio and Television Broadcasting

    Grain Elevators

    Flour and Feed Mills

    Feed Warehouses

    Seed Mills

    Banks

    Uranium Processing - Atomic Energy

    Hudson Bay Mining and Smelting

    Certain Crown Corporations for example, the Post Office

SECTION II

GOVERNMENT OF CANADA STATUTES

INTRODUCTION

There are a number of environmentally important statutes administered by various federal government departments to preserve and enhance environmental quality in Canada. To facilitate the implementation of the statutes, regulations, objectives, guidelines, codes of good practice and cabinet orders have been developed. These terms are defined as follows:

Regulation:	set of requirements which are legally enforceable by the federal government
Objective:	recommended limits for levels of pollution which are not legally enforceable unless adopted by a provincial government and incorporated into provincial legislation
Guideline:	set of limits recommended to industry and federal government departments which are technically feasible and economically reasonable, and which are not legally enforceable unless adopted as a standard under provincial regulation
Code of Good Practice:	document which outlines suggested procedures to be used in operations at industry and federal establishments to minimize environmental problems
Cabinet Order:	authoritative direction by cabinet setting out requirements and procedures to be followed in federal undertakings

This section provides an overview of the federal statutes relating to the protection and enhancement of the environment. A statement outlining the general intent introduces the statute. The geographic area where the statute is applicable is specified and the Minister responsible for carrying out the provisions of the Act is identified. The authorities granted to the Minister under the Act are listed, followed by the regulations, objectives, guidelines, codes of good practice and cabinet orders which have been enacted pursuant to the particular statute.

Further information on legislation and/or regulations relating to the Government of Canada may be obtained by contacting:

Environmental Protection Service,
800 - 275 Portage Avenue,
Winnipeg, Manitoba
R3B 2B3
Or Telephone: 949-2961

ARCTIC WATERS POLLUTION PREVENTION ACT

AN ACT TO PREVENT POLLUTION OF AREAS OF THE ARCTIC WATERS ADJACENT TO THE MAINLAND AND ISLANDS OF THE CANADIAN ARCTIC.

APPLICATION: Waters adjacent to mainland and islands of the Canadian Arctic, lying N of 60th parallel, E of 141st meridian of longitude and within 100 nautical miles from nearest Canadian land

ADMINISTRATION: Ministers of Transport; Indian Affairs and Northern Development; and Energy, Mines and Resources

AUTHORITIES:

1. Prohibits deposit of waste by persons or ships in Arctic waters or on the mainland or islands if such waste may enter Arctic waters, except as authorized by regulation.

2. Requires the review of plans for construction, alteration or extension work in the Canadian Arctic which may result in the deposit of waste.

3. Allows the prescription of Shipping Safety Control Zones and the setting of regulations applicable to ships navigating therein.

REGULATIONS:

1. Arctic Shipping Pollution Prevention Regulations - allows ships to deposit, in Arctic waters, sewage which was generated on board; allows oil deposit during an emergency.

2. Arctic Waters Pollution Prevention Regulations - allows deposit of domestic waste under conditions authorized by "Public Health Ordinances"; allows deposits of industrial waste under conditions authorized by "Oil and Gas Production and Conservation Act", "Territorial Lands Act", or "Public Lands Grant Act", whichever is applicable.

CANADA SHIPPING ACT

AN ACT TO PREVENT POLLUTION OF THE TERRITORIAL SEA AND OF ALL INTERNAL WATERS OF CANADA.

APPLICATION: All Canadian waters S of the 60th parallel; all Canadian waters N of the 60th parallel not within a shipping safety control zone prescribed under the "Arctic Waters Pollution Prevention Act"; or fishing zones of Canada pursuant to the "Territorial Sea and Fishing Zones Act".

ADMINISTRATION: Minister of Transport

AUTHORITIES:

1. May prohibit the discharge of pollutants specified in the regulations.

2. May prescribe substances that are pollutants.

3. May prescribe the types of pollutants and maximum quantities that may be carried on board ships as well as the method of stowage, the supplies and equipment required to handle the pollutants, and methods for dealing with discharges.

4. May prescribe procedures to be followed when loading or unloading pollutants.

5. Regulates and prevents the pollution of air by ships.

REGULATIONS:

1. Air Pollution Regulations - prohibits operation of fuel-burning installations in ships which emit smoke in greater density than that specified in the regulation.

2. Garbage Pollution Prevention Regulations - prohibits discharge of garbage into waters.

3. Oil Pollution Prevention Regulations - prohibits discharge of oil from ships except in an emergency.

4. Pollutant Substances Regulations - prohibits discharge of certain pollutants in applicable waters except in an emergency.

CANADA WATER ACT

AN ACT TO PROVIDE FOR THE MANAGEMENT OF WATER RESOURCES OF CANADA INCLUDING RESEARCH, PLANNING AND IMPLEMENTATION OF PROGRAMS RELATED TO CONSERVATION, DEVELOPMENT AND USE OF WATER RESOURCES.

APPLICATION: Canada

ADMINISTRATION: Minister of Environment

AUTHORITIES:

1. May prepare agreements with the provinces to establish federal-provincial water resource management programs.

2. May undertake resource management programs for federal, interjurisdictional, international and/or boundary waters.

3. Prohibits deposit of waste of any type in waters comprising a water quality management area.

4. May enter into agreements with provinces to designate waters as water quality management areas and to designate water quality management agencies to carry out programs in respect of those waters.

5. May designate any federal waters as water quality management areas.

6. May make regulations prescribing substances, quantities, treatments, processes and changes of water which will render water to be waste for purposes of the Act, and prescribe procedures to be followed prior to deposit of the waste into water quality management areas.

7. Prohibits manufacture or import into Canada of cleaning agents or water conditioners containing prescribed nutrients.

8. May make regulations prescribing nutrients and maximum permissible concentrations thereof.

REGULATIONS:

1. Phosphorus Concentration Control Regulations - limits the concentration of phosphorus, in laundry detergents.

CLEAN AIR ACT

AN ACT RELATING TO AMBIENT AIR QUALITY AND TO THE CONTROL OF AIR POLLUTION.

APPLICATION: Canada

ADMINISTRATION: Minister of Environment

AUTHORITIES:

1. May research and collect data, through a system of air pollution monitoring stations, and establish national ambient air quality objectives.

2. May prescribe national emission standards establishing maximum quantities of air contaminants from stationary sources.

3. May publish national emission guidelines limiting quantities of air contaminants which can be emitted by sources, stationary or otherwise.

4. May recommend specific emission standards to federal works, undertakings or businesses where national air quality objectives have or have not been set.

5. May make regulations prescribing standards for fuels used in operation of any federal works, undertakings or businesses.

6. May review plans and specifications relating to federal works, undertakings or businesses, the operation of which may result in the emission of an air contaminant.

7. May enter into agreements with the provinces to formulate and adopt national ambient air quality objectives.

8. Where national ambient air quality objectives have been adopted, may set specific emission standards that represent the maximum quantity of an air contaminant that may be emitted by a work, undertaking or business.

9. Prohibits the use, sale, or import into Canada of any fuel that contains an element or additive in a concentration exceeding the prescribed limit.

10. May regulate, with respect to fuel in (9), the maximum concentration of any element or additive.

11. May seize and detain fuel found to be in contravention of (9) above.

REGULATIONS:

1. Asbestos Mining and Milling National Emission Standards Regulations - limits the release of asbestos fibres into the air from certain operations and processes at a mine or mill.

2. Chlor-Alkali Mercury National Emission Standards Regulations - limits the release of mercury by a plant into ambient air.

3. Fuels Information Regulations No. 1 - requires any person importing more than a specified quantity of fuel to report certain information to the Minister; requires any person importing or producing more than a specified quantity of fuel containing additives other than lead to report certain information to the Minister.

4. Lead-Free Gasoline Regulations - limits the quantities of lead and phosphorous in lead-free gasoline.

5. Leaded Gasoline Regulations - limits the quantities of lead in leaded gasoline; requires the reporting of information on lead concentrations and use of lead-free additives.

6. Metallurgical Industries Arsenic Information Regulations - requires the operator of metallurgical undertaking to report certain information to the Minister where it is believed that arsenic may be emitted into the air.

7. Metallurgical Industries Mercury Information Regulations - requires the operator of metallurgical undertaking to report certain information to the Minister where it is believed that mercury may be emitted into the air.

8. Secondary Lead Smelter National Emission Standards Regulations - limits the release of particulate matter and lead into ambient air by a secondary lead smelter; prohibits release of particulate matter from storage of lead-bearing scrap except as a result of handling.

9. Vinyl Chloride National Emission Standards Regulations - limits the emission of vinyl chloride into ambient air from a vinyl chloride or polyvinyl chloride plant.

AMBIENT AIR QUALITY OBJECTIVES:

No. 1 - prescribes limits for acceptable to desirable levels of sulphur dioxide, suspended particulate, carbon monoxide and oxidants (ozone).

No. 2 - prescribes limits for acceptable to desirable levels of nitrogen dioxide.

No. 3 - prescribes limits for tolerable levels of sulphur dioxide, suspended particulate, carbon monoxide, oxidants and nitrogen dioxide.

GUIDELINES:

1. Arctic Mining Industry Emission Guidelines - recommends limits for the emission of particulate matter, of sulphur dioxide and opacity from Arctic mining plants.

2. Asphalt Paving Industry National Emission Guidelines - recommends that the release of particulate matter not exceed 0.23 g per normal cubic meter and 20% opacity.

3. Cement Industry National Emission Guidelines - recommends limits for the emission of particulate matter and opacity from new and existing plants.

4. Metallurgical Coke Manufacturing Industry National Emission Guidelines - recommends limits for the emission of particulate matter and sulphur dioxide from new and existing plants.

5. Packaged Incinerators National Emission Guidelines - recommends limits for the emission of particulate matter, hydrogen chloride, sulphur dioxide and opacity from new installations; recommends opacity limits for existing installations.

6. Thermal Power Generating Emissions National Guidelines for New Stationary Sources - recommends limits for the emission of nitrogen oxides, particulate matter, sulphur dioxide and opacity from new plants.

7. Wood Pulping Industry National Emission Guidelines for New Stationary Sources - recommends limits for the emission of:

a) particulate matter and reduced sulphur compounds from new kraft pulping facilities.

b) particulate matter and sulphur dioxide from new sulfite pulping facilities.

c) particulate matter and opacity from new steam producing combustion units.

ENVIRONMENTAL CONTAMINANTS ACT

AN ACT TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT FROM SUBSTANCES THAT CONTAMINATE THE ENVIRONMENT.

APPLICATION: Canada

ADMINISTRATION: Minister of Environment and Minister of National Health and Welfare

AUTHORITIES:

1. May require persons importing, manufacturing or processing a designated substance to report required information.

2. May collect data and investigate a substance which is entering or likely to enter the environment and may constitute a danger to human health or the environment.

3. May require any person engaged in an activity involving a substance which may constitute a danger to human health or the environment to disclose certain information.

4. May prohibit the release of certain substances from entering the environment as a result of any commercial, manufacturing or processing activities.

5. May prohibit the importation, manufacture, processing, offer for sale or use of substances, or containing substances, specified in the schedule.

6. May regulate the maximum quantity and conditions under which a scheduled substance may be released into the environment.

7. May require tests and maintenance of books and records in relation to importation, manufacture and processing of scheduled substances.

REGULATIONS:

1. Chlorobiphenyl (PCB) Regulations - relates to the manufacture, importation and use of PCB's.

2. Chlorofluorocarbon (CFC) Regulations - prohibits use as a propellant in hair sprays, underarm deodorants and antiperspirants.

3. Mirex Regulations - prohibits all uses.

4. Polybrominated Biphenyl (PBB) Regulations - prohibits all uses.

5. Polychlorinated Terphenyl (PCT) Regulations - prohibits all uses.

GUIDELINES:

1. Guidelines for Management of PCB Wastes - recommends procedures and criteria for removal from service, collection, storage and disposal of PCB articles, equipment and packagings, as well as solids and liquids containing 50 ppm or more PCBs; outlines procedures for labelling wastes, monitoring and recordkeeping at storage and disposal facilities.

FISHERIES ACT

AN ACT TO PREVENT THE POLLUTION OF THE FISHERIES OF CANADA.

APPLICATION: Waters in the fishing zones of Canada, and in the territorial seas of Canada, and internal waters of Canada.

ADMINISTRATION: Section 33 - Minister of Environment
Remainder of the Act - Minister of Fisheries and Oceans

AUTHORITIES:

1. Prohibits throwing overboard of ballast, stones or deleterious substances where fishing is carried on, or leaving of remains or offal where it may enter waters frequented by fish.

2. Prohibits deposit of deleterious substances into waters frequented by fish or where such may enter such waters.

3. Prohibits deposit of slash, stumps or debris from logging, land-clearing, etc. into waters frequented by fish.

4. May make regulations prescribing deleterious substances and allowable concentrations thereof in water.

5. May make regulations authorizing the deposit of deleterious substances, and works or undertakings which may result in the deposit of deleterious substances.

6. May require plans for works and undertakings which may deposit deleterious substances in water or alter fish habitat.

REGULATIONS: (Promulgated under authority of Section 33)

1. Chlor-Alkali Mercury Liquid Effluent Regulations (for all plants)-limits the deposit of mercury in effluent; monitoring and reporting requirements are included in controls.

2. Meat and Poultry Products Plant Liquid Effluent Regulations (for new and expanded plants)-limits the daily deposit of biochemical oxygen demanding matter, total suspended matter and grease to prescribed quantities; restricts pH levels of effluent; requires acute lethality testing at specified time intervals and ammonia nitrogen testing.

3. Metal Mining Liquid Effluent Regulations (for new and expanded base metal mines/mills)-limits the deposit of arsenic, copper, lead, nickel, zinc, total suspended matter and radium 226 to prescribed quantities; prescribes specified levels of pH. (Regulation slated for review).

4. Petroleum Refinery Liquid Effluent Regulations (for new plants)-limits the deposit of oil and grease, phenols, sulphide, ammonia nitrogen and total suspended matter to prescribed quantities; prescribes specified levels of pH.

5. Potato Processing Plant Liquid Effluent Regulations (for new and expanded plants)-limits the deposit of biochemical oxygen demanding matter and total suspended matter to prescribed quantities; restricts pH levels.

6. Pulp and Paper Effluent Regulations (for new and expanded mills)-limits the deposit of biochemical oxygen demanding matter and total suspended matter to prescribed quantities; requires effluents to be non-toxic. (Regulation currently under review).

GUIDELINES:

1. Existing Metal Mining Liquid Effluent Guidelines - (for existing mines and mills) recommends limits for arsenic, copper, lead, nickel, zinc, total suspended matter, radium 226 and pH.

2. Guidelines for the Measurement of Acute Lethality in Liquid Effluents from Metal Mines - requires effluents to be non-toxic and to be tested regularly.

3. Existing Petroleum Refinery Liquid Effluent Guidelines - (for existing plants) recommends limits for oil and grease, phenols, sulfide, ammonia nitrogen, total suspended matter and pH.

4. Guidelines for Acute Toxicity of Petroleum Refinery Liquid Effluents - requires effluents to be non-toxic and to be tested regularly.

5. Fish Processing Operations Liquid Effluent Guidelines - (for all operations) recommends technology to be applied to liquid effluents to address solid waste removal, recovery of certain wastes, good housekeeping practices, and locating of outfall.

6. Meat and Poultry Products Plant Effluent Guidelines - (for all plants) recommends limits for biochemical oxygen demanding matter, total suspended matter, grease and pH; recommends acute lethality testing, and reporting of ammonia nitrogen concentrations.

7. Metal Finishing Liquid Effluent Guidelines - (for all plants) recommends limits for total suspended matter, cadmium, chromium, copper, cyanide, lead, nickel, zinc and pH levels; recommends concentrated residues not be released.

8. Potato Processing Plant Effluent Guidelines - (for existing plants) limits the deposit of biochemical oxygen demanding matter and total suspended matter to prescribed quantities; restricts pH levels.

9. Toxicity Guidelines for Potato Processing Plants - (for all plants) requires effluents to be non-toxic and to be tested regularly.

CODES OF GOOD PRACTICE:

1. Environmental Code of Practice for Mines - outlines sound environmental control practices for various effluent discharges, waste disposal and mine rehabilitation.

2. A Code of Good Housekeeping Practice for the Metal Finishing Industry - outlines sound environmental control and housekeeping practices for eliminating or minimizing sources of pollution from plants.

3. Environmental Codes of Practice for Steam Electric Power Generation (Design Phase Code) - recommends environmental control practices to be incorporated in the design phase of new thermal power plants.

4. Code of Good Practice for Canadian Wood Protection Industry - outlines sound environmental practices to be followed in the operation of wood protection (non-pressurized) plants.

HAZARDOUS PRODUCTS ACT

AN ACT TO PROHIBIT THE ADVERTISING, SALE AND IMPORTATION OF HAZARDOUS PRODUCTS IN CANADA.

APPLICATION: Canada

ADMINISTRATION: Minister of Consumer and Corporate Affairs; and Minister of National Health and Welfare.

AUTHORITIES:

1. Prohibits the advertising, sale or importation into Canada of any hazardous product included in Part I or Part II of the Schedule.

2. Prohibits the advertising, sale or importation of a hazardous product included in Part II of the Schedule except as authorized by regulation.

3. May make regulations authorizing and prescribing conditions for the advertising, sale or importation of any product included in Part II of the Schedule.

GOVERNMENT ORGANIZATION ACT, 1979

AN ACT RESPECTING THE ORGANIZATION OF THE GOVERNMENT OF CANADA AND MATTERS RELATED OR INCIDENTAL THERETO.

APPLICATION: Canada

ADMINISTRATION: Various Ministers, including Minister of Fisheries and Oceans; and Minister of Environment

AUTHORITIES:

1. Establishes the Department of Fisheries and Oceans.

2. Establishes the Fisheries and Oceans Research Advisory Council.

3. Assigns jurisdiction relating to the preservation and enhancement of the natural environment including water, air and soil quality, renewable resources (forests, migratory birds, non-domestic flora and fauna), water, meteorology and the enforcement of regulations made by the International Joint Commission, to the Minister of Environment.

4. Requires the Minister of Environment to promote adoption of standards to control pollution, to ensure new federal projects are assessed early in planning for potential adverse effects on the environment, and to provide Canadians with environmental information.

5. Authorizes the Minister of Environment to develop guidelines for activities of federal bodies and to enter into agreements with provincial governments and agencies.

6. Amends sections of various non-environmental acts.

CABINET ORDERS

1. Environmental Assessment and Review Process Guidelines Order - sets out the requirements and procedures of the Federal Environmental Assessment and Review Process and the responsibilities of the participants therein.

GUIDELINES:

1. Air Pollution Guidelines Applicable to Boilers at Federal Establishments - requires submission of plans for proposed boiler facilities prior to tender; limits opacity, particulate and sulfur dioxide emissions for new and existing installations; requires design of boiler stacks such that impingement concentrations for sulfur dioxide, nitrogen dioxide and particulates from new and existing installations do not exceed specified limits.

2. Air Pollution Guidelines Applicable to Incinerators at Federal Establishments - requires submission of plans for proposed incinerator facilities prior to tender; limits opacity particulate and gaseous (hydrogen chloride and sulfur dioxide) emissions from new and existing installations; requires design of incinerator stack such that impingement concentrations for sulfur dioxide, nitrogen dioxide and particulates do not exceed specified limits.

3. Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments - sets limits for biological oxygen demand, suspended solids, fecal coliforms, residual chlorine, pH, phenols, oils and grease, total phosphorus and temperature for effluents discharged to receiving waters; prescribes secondary treatment or equivalent to meet limits.

CODES OF GOOD PRACTICE:

1. Code of Good Practice for Handling Solid Wastes at Federal Establishments - provides information on the development of waste management programs including control of generation, collection, processing, storage and transportation of solid wastes; recommends plans and specifications for construction and operation of solid waste handling facilities.

2. Code of Good Practice on Dump Closings or Conversion to Sanitary Landfill at Federal Establishments - lists requirements for a sanitary landfill; provides information on the procedures for the closure of a dump or conversion to a sanitary landfill.

MOTOR VEHICLE SAFETY ACT

AN ACT RESPECTING THE USE OF NATIONAL SAFETY MARKS IN RELATION TO MOTOR VEHICLES AND TO PROVIDE FOR SAFETY STANDARDS FOR CERTAIN MOTOR VEHICLES.

APPLICATION: Canada

ADMINISTRATION: Minister of Transport

AUTHORITIES:

1. May make regulations respecting the use of national safety marks and safety standards for motor vehicles.

2. Prohibits manufacturers and distributors from applying national safety marks, or selling motor vehicles to which national safety marks have been applied, unless the vehicle complies with safety standards applicable thereto.

3. Prohibits export or interprovincial shipments of motor vehicles which do not meet all safety standards applicable thereto, and to which national safety marks have not been applied.

4. May make regulations respecting the importation of motor vehicles, prescribing safety standards to which such vehicles shall comply.

REGULATIONS:

1. Motor Vechicle Safety Regulations - prohibits exhaust emissions in excess of specified levels for hydrocarbons, carbon monoxide, nitrogen oxides, opacity and noise levels from gasoline powered or diesel powered vehicle engines.

OCEAN DUMPING CONTROL ACT

AN ACT TO PREVENT THE DISPOSAL OF ANY SUBSTANCE IN ANY AREA OF THE SEA.

APPLICATION: Territorial sea of Canada and adjacent areas, and internal waters of Canada other than inland waters.

ADMINISTRATION: Minister of Environment

AUTHORITIES:

1. Prohibits dumping of any substance except in accordance with the terms of a permit.

2. Allows for dumping without a permit in an emergency.

3. Prohibits granting of a permit for dumping substances which have been scheduled unless authorized by the Minister.

REGULATIONS:

1. Ocean Dumping Control Regulations - prescribes forms to be completed for permit applications; requires reporting of certain information in relation to dumping; prescribes maximum quantities of organohalogen, mercury, and cadmium compounds, persistant plastics and other synthetics, and petroleum products which can be dumped; requires an application to dump radioactive matter.

PEST CONTROL PRODUCTS ACT

AN ACT TO REGULATE PRODUCTS USED FOR THE CONTROL OF PESTS AND THE ORGANIC FUNCTIONS OF PLANTS AND ANIMALS.

APPLICATION: Canada

ADMINISTRATION: Minister of Agriculture

AUTHORITIES:

1. Prohibits the manufacture, storage or use of control products under unsafe conditions.

2. Prohibits the importation, exportation or sale unless the control product has been registered, conforms to prescribed standards, and is packaged and labelled as prescribed.

3. May make regulations for carrying out the purposes and provisions of the Act.

REGULATIONS:

1. Pest Control Products Regulations - requires submission of certain information on the application for registration; requires record-keeping of quantities of control products stored, manufactured or sold by registrant; requires Ministerial approval of label format and content; requires specific information on label; prohibits use of a product in a manner inconsistent with label directions.

TRANSPORTATION OF DANGEROUS GOODS ACT

AN ACT TO PROMOTE PUBLIC SAFETY IN TRANSPORTATION OF DANGEROUS GOODS.

APPLICATION: Canada

ADMINISTRATION: Minister of Transport

AUTHORITIES:

1. Prohibits the handling, offering for transport or transport of dangerous goods which do not comply with prescribed safety requirements and standards, and which do not display prescribed safety marks.

2. Requires reporting of discharge of dangerous goods.

3. Requires the person reporting a discharge to undertake reasonable emergency measures.

4. May recover costs and expenses incurred by the Crown.

5. May require insurance or an indemnity bond.

6. May hold public enquiries.

7. May make regulations to carry out purposes and provisions of the Act.

8. May request information on chemical composition of any dangerous good from a manufacturer or distributor.

9. May enter into agreement with the government of a province for implementation of the Act and Regulations, and for administration and enforcement of the Act.

10. May undertake technical research and publish the results in a manner most useful.

11. May issue permits of deviation where at least an equivalent level of safety is provided.

12. May establish advisory councils.

13. In case of inconsistency with other legislation, this Act prevails.

REGULATIONS:

Transportation of Dangerous Goods Regulations are in 13 parts covering various aspects of the handling, offering for transport and transporting of dangerous goods. These are:

PART I: Interpretation - defines the various words and terms used in the regulations.

PART II: Application - describes where and/or under what circumstances the regulations do not apply.

PART III: Classification - describes the characteristics of the nine classes of dangerous goods stated in the Act. Schedule II to the regulations is a comprehensive listing of dangerous goods.

PART IV: Documentation - specifies the information and documentation required for handling, offering for transport or transporting dangerous goods.

PART V: Safety Marks - outlines the requirements for labels, placards, signs and other safety marks for packages, containers, cylinders, tanks and vehicles.

PART VI: Safety Standards - outlines requirements for safety standards relating to control temperature and limited quantities of dangerous goods and consumer commodities. This part will be expanded in the future.

PART VII: Safety Requirements for the Handling or Offering for Transport of Dangerous Goods - covers safety requirements relating to

- Limited quantities of dangerous goods and consumer commodities
- Incompatible dangerous goods
- Self accelerating decomposition
- Explosives
- Infectious substances
- Radioactive material
- Notification - harbor, ships, aircraft pilots
- International or transborder consignment of waste
- Emergency response planning

This part will be expanded in the future.

PART VIII: Safety Requirements for the Transportation of Dangerous Goods - outlines safety requirements for short-run ferry, explosives and radioactive material. This part will be expanded in the future.

PART IX: Safety Requirements for the Reporting and for the Training of Persons - outlines the requirements for training of those handling, offering for transport or transporting dangerous goods. Outlines requirements for registration of Canadian manufacturers and importers of dangerous goods and the requirements for reporting specific information in specific circumstances i.e. dangerous occurrence reporting.

PART X: Direction - outlines the requirements for starting and administering a protective direction to protect the public, property and the environment.

PART XI: Permits - outlines the procedures for application and issuance of permits for Equivalent Level of Safety or Exception and the appeal process.

PART XII: Appointment of Agents - outlines the requirements for agents for non-resident shippers.

PART XIII: Inspectors - outlines the procedures for appointing inspectors; their duties and powers.